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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

WALKER RIVER PAIUTE TRIBE,

Plaintiff-Intervenor,

v.

WALKER RIVER IRRIGATION DISTRICT,
et al.,

Defendants.

MINERAL COUNTY,

Plaintiff-Intervenor,

v.

WALKER RIVER IRRIGATION DISTRICT,
et al.,

Defendants.

3:73-cv-00128-MMD-WGC

**STIPULATION AND [PROPOSED]
ORDER CONCERNING RESPONSES
TO SECOND AMENDED COMPLAINT
IN INTERVENTION**

1 1. On July 19, 2021, the Court entered the Order Relating to Completion of Service
2 and Schedule for Responses to Mineral County's Second Amended Complaint In Intervention
3 (the "Order"). ECF 943

4 2. The Order, provides that Defendants who were served or returned Waivers of
5 Personal Service of Notice in Lieu of Summons forms, prior to its entry, are to file and serve
6 responses to the Second Amended Complaint In Intervention no later than September 28, 2021.

7 3. With the exception of the California State Agencies, which agencies have made
8 no decision, the Defendant parties to this Stipulation are each considering the filing of Motions
9 to Dismiss the Second Amended Complaint In Intervention pursuant to Rule 12 (b) of the
10 Federal Rules of Civil Procedure.

11 4. Because any such motions to dismiss will likely include common issues, it is in
12 the interest of these Defendants, the Plaintiff and the Court that these Defendants coordinate
13 their efforts and file a joint motion and a joint supporting memorandum of points and
14 authorities.

15 5. In order to allow these Defendants to coordinate their efforts to file a joint
16 motion and joint supporting memorandum of points and authorities additional time is required,
17 the time limitations imposed by LR 7-2 for responding to the motion and replying to a response
18 should be extended and the page limitations imposed by LR 7-3 should not apply.

19 NOW THEREFORE, the parties hereto hereby stipulate and agree as follows:

20 1. The Defendants who are parties to this Stipulation shall have up to and including
21 October 29, 2021, in which to file and serve a joint Motion to Dismiss the Second Amended
22 Complaint and a joint memorandum of points and authorities in support thereof. If the
23 California State Agencies decide not to be party to such joint motion, they shall have up to and
24 including October 29, 2021, in which to file and serve an answer.

25 2. Mineral County's response to said joint motion will be due by January 31, 2022
26 and a joint reply in support of said joint motion will be due by March 31, 2022.

27 3. The page limits in LR 7-3 will not be imposed with respect to the memorandum
28 of points and authorities in support of the joint motion, the memorandum of points and

1 authorities in response to the joint motion, or to the reply memorandum of points and
2 authorities in support of the joint motion.

3
4 Date: September 16, 2021

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6 By: /s/ Gordon H. DePaoli
7 Gordon H. DePaoli, NSB # 195
8 *Attorneys for Walker River Irrigation District*

9 Date: September 16, 2021

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12 Nhu Q. Nguyen, NSB 7844

13 Date: September 16, 2021

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16 By: /s/ Roderick E. Watson (per authorization)
17 Roderick E. Watson

18 Date: September 16, 2021

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22 Tori N. Sundheim, NSB 14156
Attorney for Nevada Department of Wildlife

23 Date: September 16, 2021

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25 By: /s/ Therese A. Ure (per authorization)
26 Therese A. Ure, NSB 10255
27 *Attorney for The Schroeder Group*

1 Date: September 16, 2021

THE COUNTY OF MONO (CA)
P.O. Box 2415A
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3 By: /s/ Stacey Simon (per authorization)
4 Stacey Simon, County Counsel
Emily Fox, Dep. County Counsel
5 *Attorneys for Mono Lake*

6 Date: September 16, 2021

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8 By: /s/ Brad M. Johnston (per authorization)
Brad M. Johnston, NSB 8515
9 *Attorney for*
10 *Desert Peral Farms, Peri Family Ranch, LLC,*
Peri & Peri LLC, and Frade Ranches

11 Date: September 16, 2021

ADVOCATES FOR COMMUNITY & ENVIRONMENT
P.O. Box 1075
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13 By: /s/ Simeon Herskovits (per authorization)
14 Simeon Herskovits, NSB 11155
Iris Thornton
15 *Attorneys for Mineral County*

16 **ORDER**

18 Dated: _____, 2021. IT IS SO ORDERED.

19
20
21 _____
22 William G. Cobb
United States Magistrate Judge
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CERTIFICATE OF SERVICE

I certify that I am an employee of Woodburn and Wedge and that on September 16, 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the parties of record.

/ s / Candace Kelley
An employee of Woodburn and Wedge